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WORDS & PICTURES

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Market Reports

We've been meaning to do this since we began *WAP!* and we apologize for not getting to it sooner. We also apologize to those publishers not listed here; your absence is not a snub, just the result of a shortage of time. This column is purely informational and is not meant to be an authoritative listing of publishers, nor an endorsement of the publishers listed. We will continue to feature market reports in future issues of *WAP!*, and all publishers are invited to participate.

Note: *"Query first" is a relatively new concept for comics, though it will become more common as the comics industry becomes more like the book industry. For those unfamiliar with the term, a query is a phone call or a one page letter, sent instead of the usual samples and submissions. A query letter should be a brief, preferably one-page description of your proposal concept, with a short list of credentials if you have any reason to think the editor you're writing to may not be familiar with your work. While this system can work against more complex concepts, it has one major advantage: instead of having your submissions end up in an ever-growing slush pile that will never be sorted through, you can make immediate contact with an editor or publisher and your work can move immediately from being unsolicited to solicited.*

Archie Comic Publications Inc., 325 Fayette Ave., Mamaroneck, NY 10543. (914) 381-5155.

Work for hire. The name for the superhero line has not yet been selected. These are intended to be complete revamps of the heroes published in the 40s, 60s, and early 80s by Archie Comics, "analogous to what DC did with their characters in the late 50s and 60s." Tentative plans schedule the line to start up in early summer with four mini-series: *The Fly* by Steve Englehart (artist to be announced), *The Shield* by Len Wein (artist to be announced), *The Hangman* by Len Wein, Kelley Jones and John Beatty, and *The Jaguar* by Mike Barr (artist to be announced). Rates are comparable to Marvel and DC. The editor, Scott Fulop (who has gotten good ratings from those freelancers working with him), has been feeling out other freelancers about reviving other Archie hero characters if the experiment is successful, and there has been discussion of publishing creator-owned properties once the revival line is established. Query first. Contact: Scott Fulop.

Eclipse Comics, P.O. Box 1099, Forestville, CA 95436. (707) 887- 1521.

Creator-owned. "We're concentrating on the upscale material," said publisher Dean Mullaney. "But I want to make it clear that we are still publishing regular comic books." No superheroes or black-and-white funny animals; Eclipse wants material that can be sold in bookstores, aimed at an older audience. "We're not interested in the mainstream muscleboy style, we're looking for people who like to draw," editor Cat Yronwode said. Mullaney added, "If anyone could come up with a character as long lasting and as popular as Reid Fleming, I'd be happy to publish it." Query first. Contact: Cat Yronwode. Recent titles: *Scout: War Shaman, Total Eclipse.*

With the emphasis on bookstore material, Eclipse is beginning a multi-format line adapting known literary or cultural material, such as P. Craig Russell's opera adaptations, and they're looking for more material along those lines. "A lot of artists have some specific story or work that was a big influence on them, and we're looking for artists motivated to adapt them." Yronwode asked that we announce that Eclipse's Clive Barker adaptation series is completely assigned. Query first. Contact: Cat Yronwode. Recent titles: *Pigeons From Hell, Peter Pan.*

With the success of their *Iran-Contra Trading Cards*, Eclipse is also looking for artists who can paint caricatures for a new line of political trading cards. "It's a specialized skill, very different from doing line drawings." Planned decks include *The History Of The CIA* and *The Kennedy Assassination*, but Eclipse is also open to ideas. They are specifically seeking a New York City-based artist for a card series on the scandals in the Ed Koch administration. "If anyone feels trading cards are something they've always wanted to do and are capable of doing, please contact us." Query first. Contact: Cat Yronwode.

Eclipse has purchased rights to stories from *Isaac Asimov's Science Fiction Magazine*, and plans to adapt them in high end formats. Stories will be 18-24 pages each. Query first. Contact: D. Kingsley Hahn.

More issues of *Real War Comics* are being produced. For #2, being produced in cooperation with the Citizen Soldier military rights group, Eclipse is looking for artists who have been in the military. #3, in cooperation with the Children Of War Tour, needs artists who are personally familiar with foreign locales or are dedicated reference users. Yronwode warns, "This is politically hard-hitting material. It may not be up everyone's alley." Yronwode cites Eclipse's success with political material, and is looking for more; artists and writers who belong to non-profit groups are welcome to bring ideas for "current events," or "graphic journalism," projects to Eclipse. "I'd love to see projects built around Greenpeace or Amnesty International." Eclipse is also interested in reprinting and distributing already existing current events projects. Query first. For *Real War Stories*, contact: Joyce Brabner. For other projects, contact: Cat Yronwode. Recent titles: *Real War Comics, Brought To Light.*

Finally, Eclipse's door is open to reprinting and repackaging creator-owned material that has already been published elsewhere, if the rights are clear, and especially if the film already exists. "We're obviously not interested in everything, but it's worth your while to take a shot," Yronwode said. Query first. Contact: Cat Yronwode. Recent titles: Ken Macklin's *Dr. Timestop.*

Cont'd on page 7

Toward An End To Work-For-Hire

Public Law 94-5533
An Act for the general revision of the Copyright Law
Chapter 2, subsection 201.

OWNERSHIP OF COPYRIGHT

(b) WORKS MADE FOR HIRE.-- In the case of a work made for hire, the employer or other person for whom that work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all the rights comprised in the copyright.

Yeah, we know. You got screwed. You got kicked off your own creation so an editor could take the assignment and get the royalty you earned. Now your creation is appearing in another bloated crossover series and everybody's getting to write and draw it but you. Or maybe you gave the company a hit and you're watching your publisher hire hacks to trace off your pages and call them their own. You're pissed off and you've got every right to be.

There's nothing you can do about it. Even though it was your blood, sweat and tears that made the pages, in the eyes of the law you aren't the author. They can do what they want to. In the eyes of the law, your publisher wrote and drew those pages and made up your characters. You were just a waldo. You signed a work-made-for-hire contract.

We sympathize. We've done the same. We -- the members of the *WAP!* editorial board -- have each of us signed our rights away and gotten screwed and whined to our friends and gritted our teeth and signed the next work-made-for-hire contract, praying for good will from Those In Power -- those *we* gave the power to.

It's a stupid system. It's demeaning. It reduces the talent to cogs in the comic making machinery and makes their work not their own. It separates talent from work and from the continuing benefits derived from that work. Work-for-hire removes incentive, distances talent from interest (outside of the sentimental attachment of, say, working on *Superman* because you loved the TV show as a kid), and makes all talent functionally interchangeable by isolating them from any real control of the work in the long term. You pull something from your own brain that never existed before, put it on paper, accept a check, and a *corporation* claims to have created what was the product of your mind. It makes for bad feelings and bad work.

And it's our own damned fault. Work-for-hire exists because we let it exist.

Stop blaming the publishers. These aren't the old days. We've got more power than Steve Ditko, Jack Kirby and Siegel and Shuster had, and we've got their example to cure us of any delusions about how we'll be treated. Yes, something needs to be done to put an end to work-for-hire.

You'd like to do something. But you're new in the business, or you aren't a big name, or you can't run the risk of losing an assignment. In other words, you don't think you've got the power.

True. You, alone at your desk, have limited power to change the way an industry works, whether you're drawing your first fill-in or just finished the hottest mini-series of the decade. Publishers aren't going to throw away a fifty year legacy that gives them all control, all rights, and the lion's share of the profits just to satisfy one prima donna, no matter how popular that prima donna may be. You can't blame them for their attitude. It's probably not even *their* attitude, it's a corporate attitude traceable back sixty years to a group of men trying to figure out what to do with their trucks when Prohibition was repealed. As long as we remain locked away in our own studios, isolated from one another, negotiating as individuals, we're not going to get rid of work-for-hire and its attendant injustices. This cranky bunch of paranoid loners has to find just enough to agree upon to allow us to work together.

This isn't a hair-brained notion. This is business. In other fields, contracts are written every hour that allow management and talent to work to mutual advantage. But in each case, business conditions were only improved because talent used its collective strength.

Freelancers, not publishers, keep the work-for-hire system going. If every freelancer told his publishers that work-for- hire was no longer good enough, that we would no longer work under any conditions that involved work-for-hire, that something better would have to be developed and developed now, work-for- hire would be dead within a month.

Publishers will deny this. They'll insist that we're expendable and easily replaced.

If any freelancer refused to do the work under the conditions demanded by the company, publishers say, there are thousands of undiscovered talents out there who will. Jim Shooter openly stated on several occasions that he could pull anyone in off the street and teach them to do comics better than most of the people already working in the field. At the very least, the editorial staff could handle the load.

They'll say that if there was a massive refusal to do work under work-for-hire, the companies could just run reprints until we all went broke and came crawling back.

These threats are intimidating. They worked to break the back of the budding guild sponsored by Neal Adams and others around 1978. They still have a lot of emotional force, and reinforce the sense of powerlessness that seems to be prevalent among many comics professionals. And both have been invalidated by current market conditions.

With very few exceptions, the market today is soft on reprints in the standard comics package. They've been replaced by the high-end reprint package, such as the trade paperback collections published by Marvel. Many of the regular titles being published today are relatively short-lived, with few back issues to call on for reprint material. Any company opting for an all-reprint

line will effectively be abandoning the standard comic book, which, for the major comic book companies, would have drastic effects on their economic base.

Nor could they replace us with their own editorial staff. As often as they funnel choice assignments to their own, Marvel and DC in particular are already committed to pumping out a massive number of titles each month. Their editors could conceivably crank out enough scripts, but who would draw them?

As the business ends of both Marvel and DC are based on ever-increasing sales levels, produced by a widening product line if the upscale-priced "star" material isn't available, their sales departments would be loathe to let the number of titles published diminish for more than a very short period of time. Once the profit margin started to disintegrate -- especially in companies which parent companies are trying to sell as going concerns -- greatly increased pressure would be put on editorial.

To some extent, all comics companies are trapped by the star system that developed as an outgrowth of the direct sales market that the companies helped foster in the 1970s. In an era where a Moore-Gibbons *Watchmen*, a Miller-Sienkiewicz *Elektra* or a Chaykin *Blackhawk* can mean the difference between the red and the black for a company, precious few editors have made the jump into stardom (have any?), regardless of the creative assignments they've snatched.

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As for the notion of a vast untapped talent pool out there, *WAP!* has heard many stories of editors complaining about the low level of talent available to them and being published now. There will always be major talents on the rise, but they will surface and thrive anyway, and there aren't enough of them to save an entire line of comics. What will rise are the borderline talents (or even non-talents) who are barely up to the work, and again the market as it exists today will torpedo any titles done by them. There are books today faring poorly under talent who can write and draw well; even *The X-Men* and *The Punisher*, Marvel's top-selling books, will fail if done by writers who can't write and artists who can't draw.

The companies still demanding work-for-hire built the barrel and put themselves over it.

A threat frequently heard in the sixties and seventies is rarely mouthed today: "We can always go out of business, and then where will you be?" Corporate masters have made it impossible for either of the major comics companies to any longer control their destiny that way. Comics are just too profitable, and in the market in which we toil, if Marvel and DC went under, a flood of small companies would spring up to fill the gap.

It must be of great comfort to the companies that even though there is a consensus in the freelance community (if the people who have talked to us about it are any indication) against work-for-hire, freelancers refuse to take any real action to end it. In various ways, we've been doing everything we can to propagate it.

10 years ago, it seemed as if work-for-hire was on its last legs. The rise of the independents threatened briefly to imbalance the talent pool. DC, then with nothing to lose, decided they could pay royalties after all if it meant attracting talent back to the company; Marvel responded with the "incentive" plan (i.e., royalties without the legal obligation to pay them), and before we knew it, they were publishing the creator-owned Epic line (which, oddly, has continued to embrace the concept of creator ownership far more than many of the independents) and graphic novels. At the rate things were moving, work-for-hire should have become extinct by 1983.

What do we have now? In addition to the old-line companies like Marvel and DC, we have so-called "independents" existing off work-for-hire, in complicity with freelancers.

The independents gave creators a chance to create and own their own work. Many did. For varying reasons, many later left the titles they had created, turning them over to other freelancers. In most cases, those

freelancers who replaced original creators work on a work-for-hire basis.

From a publisher's point of view, work-for-hire makes sense. It's hard to maintain, let alone establish, a company presence in today's market when titles come and go in fleeting bursts. Continuing characters are fodder for adaptation in other media; it's hard to promote a "dead" property as a going concern. It's easy to understand why a publisher would want to keep *Jon Sable, Freelance* or *The Elementals* going after the original creator/s have left. (This points up one of the problems with many independent publishers: their desire to emulate Marvel and DC in as many ways as possible in hopes of achieving similar success. Marvel and DC's success is predicated on decades-long development and outmoded ways of dealing with talent. Younger companies have neither the resources nor the history to function as Marvel or DC do, and are better off trying to finding new ways instead of becoming clones, in business practices as well as content, of the Big Two.)

From a freelancer/creator's point of view, there is only one reason to keep a book going: continued income from it, which puts the freelancer/creator in the same position to those who take over his creation as the major companies have to those who take over theirs. But this trick almost never works; in almost all cases, sales of independent publisher titles have dropped to subsistence or cancellation levels when the originator leaves.

Yet the same freelancers who protest that work-for-hire is demeaning to them allow other freelancers to work on their titles under work-for-hire.

If the purpose of creator-owned properties is to allow the creator to fully express himself, it makes little sense to hand a property over to other parties and ask them to duplicate the creator's ideas and sensibilities. The best work is intimately tied to the creator and his personal vision; when other people try to duplicate that, it's usually forced and unconvincing. When replacement talent changes the property to suit, it becomes not the original property, and they would be better off with a new property they could take full benefit from that with a "revamped" property that will benefit someone else.

In theory, creator-owned properties should be the product of love (which isn't to say you shouldn't get paid for them, but that they involve more than monetary concerns). If creators really thinks they have something, if they're certain the property is film fodder or will otherwise pay off big in the long run, in rights beyond the publishing of comics, then they owe it to themselves and the property to stick with it until the pay-off comes.

That's perfect world talk. This isn't a perfect world. What's needed is something more equitable to replace work-for- hire across the board, particularly in the independents, where many of the recent innovations in comics began, and were later reflected by Marvel or DC.

What's needed in titles abandoned by the original creators is some kind of equity system for those who take over, by which they would share in the creator's rights. This would have a number of benefits, most apparently incentive for new talent to stay with a book and build it.

The work-for-hire system developed out of the need for a company to make sure comics were published on a regular basis and the gangster mentality of many of the early publishers in the business, and it may be that work-for-hire can't be fully abolished until the monthly comic book dies. This is not as unlikely as it sounds; few of the top stars in comics today work on monthly titles anymore, and regular comics are the least profitable product for freelancers on the stands today. Comics publishing is becoming less like magazine publishing and more like book publishing. Cartoonists are thinking more in terms of limited, even one-shot, projects, being produced not on an open- ended, regular basis but sporadically, in the way that James Bond novels and other creator-owned book series titles are published.

Whatever the coming direction of the industry, the fact remains that work-for-hire benefits publishers and does nothing to benefit freelancers. DC has proclaimed their desire to end work-for-hire in our lifetime in their new deal, but it is based on the standards of the independents, and, like the independents, has work-for-hire trapped-doored into it. (DC can't be blamed entirely for this; as we said, they're following the standards of the independents, and, in any case, have gone much further than Marvel, excluding Epic, has bothered to. But the DC deal, which exempts creators from guaranteed artistic controls over their work, remains spiritually work-for-hire.) And the fact remains that publishers can't be expected to abolish work-for-hire. It's up to the freelancer community to do it.

We make the comics. All that's suggested here is that we make the publishers acknowledge that simple truth. Obviously, we've only scratched the surface of the subject, and we invite comment, concrete suggestion, speculation, and questions. The time is long past for any single individual to dictate policy to the freelance community. If we want policies equitable to freelancers (and, hopefully, equitable to the publishers as well; again in a perfect world, they are our business partners), we will have to develop and mold them.

This Issue's Contributors

Steve Bissette
Jan Strnad
Frank Miller
Mark Evanier
Steve Skeates
Bill Sienkiewicz

...and anonymous sources

WAP! Editorial Board

Steve Gerber
Steven Grant
Frank Miller
Brad Munson, Publisher

Mark Evanier:

Ethical Questions

They're so much easier to fight for than to live up to, the saying goes. Ethics are an elusive commodity: Everyone knows they're there, including folks who wouldn't know an ethic if it waltzed up and place-kicked them in the groin. Ethics are easily identified when yours are violated. Not so obvious is when someone else's are... or when you are the one, intentionally or not, committing the violation.

That's easy to do; inadvertently violate ethics, I mean. The funnybook business was founded on a one-way street: The publishers set down practices which became ingrained. There was always a certain way things were done and the right of the Writer or Artist was limited, essentially, to the right to accept those practices or not to work in comics at all.

Amazingly, with but few exceptions, it was the same at every company... how they did business, what they were allowed to do to you. The deals were so similar, no matter where you went, that some have suggested actual collusion on the part of supposed competitors... or, at least, an understanding betwixt them. No matter where you went, you couldn't get return of your original art, you couldn't even discuss royalties or residuals or guaranteed credit, etc.

And if you felt that some practice was unethical, you had the option of going to work for another company with much the same practices.

Things have improved, of course; no one could deny that. Still, we are without a union or neutral arbitrator in this business. If you have a dispute with your Editor or Publisher, the prevailing decision is that you can go to work for another company. Or if you go to the mat with them and win, you often pollute the relationship in ways that with otherwise cost you. Along the way, a lot of practices in this business have become institutionalized, not because they are proper but because they have been done that way for so long. As new folks rise to power in the comic book business, they often perpetuate these practices, not out of malice but simply because they don't know any other way to handle matters. Or don't stop and reassess the old ways.

Part of the problem is that quite a few people who work in the world of comic books have done little, if any, work in any other field. They bring no outside sense of work ethics to comics. And when they turn around and work outside of comics, they are more than a little stunned (and, often, undervalued) at how things are done. Recently, a friend of mine -- a long-time comic book person, once an editor -- found himself working in a hiring capacity in a non-comic industry. And he also found himself accused of certain ethical transgressions, simply because he tried to treat writers the same way he was treated in comics and, in other industries, a lot of that is frowned upon. He phoned me, bewildered: "Was what I did really unethical? What *is* ethical?"

What, indeed?

Beats me. Hence the need for this column. Perhaps if we do a lot of digging together and discussion, we'll all find out. What we're going to do here is to present Ethical Questions for discussion. An array have drifted my direction lately and, while I have my opinions, those are just my opinions. Better we should get a lot of them.

So with that in mind, we are forming a little jury that will rule on these questions and... well, you'll see how it works as we go along.

The following is a true story from recent comic book industry business practices. Don't bother trying to guess whodunnit or what company. That's not the issue here; the issue is the *principle* involved. I have done a masterful job of disguising all identifying marks and scars... so if you think you know who this is, you're probably wrong.

Here's the story. We'll be back in a moment with the opinions of our jury...

At the Finster Comic Company, top rate for writers is $50 per page. A number of people get this and most of them have "favored nations" clauses in their contracts guaranteeing them Top Rate. If any one of them gets boosted to $55, all of them will immediately be boosted to $55 per page. And, of course, the company uses this sometimes as an excuse to not pay more: "I'd love to give you more than the fifty but it would cost us a fortune because of all the other people we'd have to raise." It is understood that this rate and the "favored nations" deal applies only to regular Finster Comics, not to their occasional special projects.

Along comes Waldo, a first-time writer for Finster. Waldo is employed for a special format commercial comic. Because of its special nature, he is paid $75 per page. Everyone understands that this has nothing to do with the company's regular Top Rate. A few months later, Waldo is asked to write his first "regular" comic for Finster. Before he commences writing, however, he asks the Editor what he will be paid. The Editor asks, "Do you have a page rate set with us?" Waldo, remembering that the $75 rate was a special deal, answers no. The Editor says he'll have to check with the company's Executive Editor to set a rate for Waldo but he's sure it will be above the company's Beginner Rate of $30 a page since Waldo did that commercial job and therefore is not a beginner with the firm. Waldo also has considerable experience elsewhere.

The Editor suggests that Waldo start work on the script but Waldo politely refuses, insisting that a rate be set before he commences. He fears that if he already has the script done when his rate is set, he will wind up with Beginner Rate. The Editor has a hard time getting in to see the Executive Editor to set the rate. The Editor repeatedly phones Waldo asking him to please start writing anyway. Waldo politely refuses: No work until we agree on a rate. Finally, one day, the Editor grabs the Executive Editor in the hall and says, "We have to set a rate for Waldo."

The Exec. Editor is in a hurry so he says, "Oh, just give him whatever he got on that commercial job he did for us." The Exec. Editor has forgotten what it was. The Editor, in turn, doesn't even bother looking it up; he merely phones Waldo and tells him he's getting what he got on the commercial job. Waldo shrugs and thinks, "Gee, they must know what they're doing." He agrees to write the script and does so. When Waldo sends in his voucher, he fills it out for $75 a page. Many people go through the roof. Various company folks call Waldo and tell him they can't pay him $75 a page; if they do, they'll have to give half their writers a 50% salary hike. It'll cost a fortune. Waldo calmly replies that he was promised that amount by the Editor to write the script in question and it isn't his fault that no one there knew what they were offering.

Okay. How much should the company pay Waldo?

This is the question we put to our Jury. And let me explain about this Jury...

They are all freelancers but -- and this is important -- at least half of them are former staff folks, some of them formerly in the position of Management, some of them formerly dealing with Ethical Questions on behalf of the company. In other words, they were once the ones who had to make these decisions. The identities of the six jurors are known only to me, not even to the WAP! editorial board, not even to one another. And the make-up of the jury may vary from Ethical Question to Ethical Question and the particular area of expertise being addressed.

I put the above question to them all and solicited responses.

The decision of the jury can be found on page 11 of this very issue. But you might want to mull the whole matter over for a sec before flipping to it. Would would you do if you were the company, or for that matter, Waldo? And what do you think the company did?

MARKET NOTES, cont'd from page 2

Epic Comics, 387 Park Ave. S., New York, NY 10024. (212) 576- 9244.

Creator-owned, except for a company-owned subline, Shadowline Comics, written in-house. Editor Archie Goodwin says Epic is currently looking for "alternatives to what Marvel is doing, but keep in mind that the material should also have a reasonable shot at selling in today's market place." Epic titles are somewhere in the action adventure arena, "but that hasn't stopped us from doing material like *Moonshadow* and *Stray Toasters*." Goodwin also hopes "to find something that will make the crossover to a non-comics buying audience." Projects should be "something I think I'd like to read, something that expresses a personal vision." Tip: Proposals without both a writer and an artist attached will meet rough sailing at Epic, as Goodwin is uncomfortable about assigning people to creator-owned projects. Query first. Contact: Archie Goodwin, Daniel Chichester, Margaret Clark. Recent titles: *Stray Toasters, The Light And Darkness War.*

First Comics, 435 N. LaSalle, Chicago, IL 60610. (312) 670-6770.

Some creator-owned, some work for hire. Series books are creator-produced or assigned, and First rarely uses fill-ins, so there's little opportunity there for writers, more for artists. First is always in need of good letterers and colorists. Graphic novels are usually assigned, but First will consider one-page proposals from writer-artists or writer-artist teams only. Subject matter open. Terms negotiable. Contact: Bob Garcia. Recent graphic novels: *Hexbreaker, Mazinger, The Forgotten Forest Of Oz.*

First is starting two new lines: *Classics Illustrated* (in conjunction with Berkley Books) and *First Fiction.*

Artists are needed for the prestige format *Classics Illustrated* line, and are invited to tell First which classic novels, stories or legends they'd like to adapt into comics form. First hopes to match novels to appropriate art styles, so that each adaptation will stylistically distinctive. A subline in the works is Modern Classics Illustrated, adapting more recent fiction. Terms negotiable. Query first. Contact: Wade Roberts.

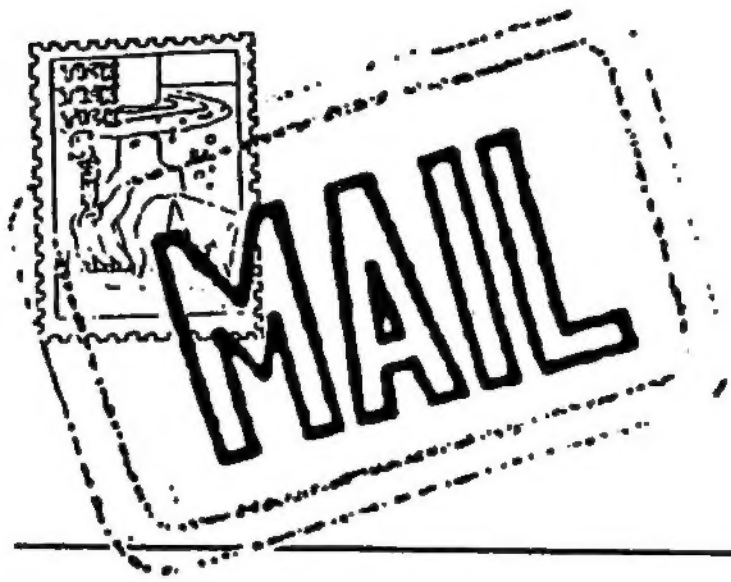
The *First Fiction* line is looking for "four-issue, self contained mini-series that stand alone but could generate regular series." Editor Bob Garcia says, "This is the place for experiment. I'm interested in seeing a variety of concepts and styles, and different approaches." He's currently swamped with science fiction proposals, and is looking specifically for other genres: suspense, horror, mystery, humor, etc. The First Fiction line is printed in a glossy format. Garcia is willing to look at proposals without artists attached, and prefers to see queries with a 2-3 pg. synopsis of the concept first. Terms negotiable. Contact: Bob Garcia.

Renegade Press, 3908 E. 4th St., Long Beach, CA 90814. (213) 433-4874.

Creator-owned. Contrary to rumor, Renegade Press is not defunct, but they're shifting to a line of graphic novels and illustrated books. They have three graphic novels in progress. Renegade will no longer be publishing monthly comics series, and will not be looking at new proposals until fall. After that time, they will only be interested in works in the 200-300 page range. Publisher Deni Loubert pointed out, "Anyone who knows Renegade Press titles knows what I like. I'm not looking for new mutant books." Recent titles: *Spiral Cage.*

Vortex Comics, 367 Queen St. West, Toronto, Ont., Canada M5V 2A4.

Creator-owned. Publisher Bill Marks says, "We're not picking up much, prefering to concentrate on properly managing the projects we have already. It's very unlikely that Vortex would ever be publishing more than 8 projects at any given time." Marks prefers to see unusual proposals demonstrating a distinctive point of view, and has little interest in "traditional" comics material "unless it will make me rich beyond my wildest dreams." Vortex pays a royalty on every copy sold, with a negotiable advance against royalties. Query first. Recent titles: *Black Kiss, Yummy Fur.* Contact: Bill Marks.



Send letters to:

WAP!,
1879 East Orange Grove
Pasadena CA 91104

All opinions expressed in letters are those of the writers and do not necessarily reflect the views of this newsletter or its editors or publisher. All comics freelancers are invited to air their views in WAP!

Dear *WAP!*,

WAP! #7 was a good, solid, meaty issue. I've ordered *The Art of Filing*, recommended by Joyce Brabner -- thanks to you and her for pointing it out, and to Dean Mullaney for making the book available at discount through Eclipse Comics.

The current Buddy Saunders debate has much more substance than the previous one. Of course he has the right to stock or refuse to stock any material he finds objectionable, but lying to his customers about the missing books is despicable. The Zeta Beam excerpts clearly reveal a policy of deception that comes straight from the top. Very eye-opening.

I agree absolutely that Buddy should be removed from the administration of the Harvey Awards. He sports a clear anti-DC bias and isn't above lying to his customers in order to further his stated goal of "doing everything possible to avoid creating new DC readers." Can he be trusted when it comes to counting votes? Can we take the chance? What about last year's Harveys? Were the results compromised?

One typo sneaked into my letter in *WAP! #7* (my typo, not yours). When I referred to the "illusive aspects of action, drama, suspense, and genuinely disturbing horror," I mean of course, the "elusive aspects."

Best regards,
Jan Strnad
Hollywood, CA

* * *

People,

I trust most of you have read by now Denny O'Neil's excruciating exercise in self-pity, his "Hey-I-may-be-an-editor-but-even- editors-can-be-unjustly-attacked-so-please-feel-sorry- for-me" diatribe which graced the pages of *WAP! #7*. You know the one I mean, the incredibly incessant one all about lies and innuendo and filled, in turn, with enough lies and innuendo to sink the Queen Mary.

Well, take heed, especially those of you who even now are working for O'Neil. That particularly crock of tears may have been heaved at my mid-section, but Denny's next fit of self-pity may well be aimed at you. And all you'll have to do to get it is object to being ripped off. Yep, complain about the unethical behavior of this man and he'll whip out his outsized papier-mache ticker, slap it on his sleeve, and start blubbering about how horrendously *he's* been hurt. And, while he's at it, he certainly won't let the facts get in his way.

Look at it! Denny's letter, I mean. God, it's such a huge pile of crap one hardly knows where to being even if one wishes to refute only a portion of all that shit. I suppose, though, I could start out with Denny's contention that he was more than halfway responsible for the wonderfulness of *Totem*, a series which, at the same time, he refers to as being "inherently risky." He talks about the two of us walking around Manhattan with him doing the talking and me doing the listening. He fails to mention that I came to the city with the basic ideas for the series already worked out. What I was listening to as we walked around was Denny twisting my ideas all apart. That was Denny's main contribution. As an editor he has the power to change things, and he couldn't leave well enough alone.

I suppose Denny honestly believes that he improved my ideas. As far as I'm concerned, though, he cut the heart out of most of them, watered down the rest, transformed a bright and shiny concept into something overwrought, mealy-mouthed and preachy, a poor imitation of the type of material O'Neil himself used to write back when he could write well. Right before my eyes, the main thrust of my glitzy action series suddenly became "Just Say No." Really, I should have dropped the whole project right then and there. But I figured I could write *around* Denny's contributions and still come up with something half-way decent. And, besides, the money looked good.

I really have neither the inclination nor the ambition (let alone the stomach) to refute all of Denny's allegations, the ones that might better be termed mistaken impressions (or perhaps simply chalked up to a former heavy imbiber's faulty memory), his prattling about contacting me whenever and wherever he became an editor (a load of bull), that nonsense about his never firing me, about my never sending that manuscript to his publisher friend etc., etc. I would like to dwell for a moment, however on the rather amusing fact that, while shouting about his competence and making such a big deal about my page rate and the "ridiculous" amount I say he owes me, O'Neil failed to even get my

page rate right. That, Denny, is why you can't arrive at $1833.40 by any of your reckoning. Now, go back and check your files and see if you can do it correctly this time. Okay?

All of that, though, pales into insignificance, as far as I'm concerned, when compared to Denny's Big Lie, his flat-out statement that "no contract was broken." This can hardly be called a mistake. This is no mere memory lapse. Consider: not only did Denny break the contract, he announced to me over the phone that he was planning to do so. It was all part of a gutless little maneuver best described as Denny covering his own ass by making a certain freelancer (me) pay for his mistakes.

This is where company policy enters the picture, a certain company policy I knew nothing about, but then I'm not the one who's *supposed* to know that stuff. That's Denny's job, yet the fact remains that good ol' competent Denny not only ordered the plot outline for Totem #2 when (according to the aforementioned company policy) he shouldn't have; he also ordered the script for *Totem* #2 when he shouldn't have and the plot outline for *Totem* #3 when he shouldn't have. It was only after the plot outline for the second issue and its voucher had been sitting on Denny's desk for some time and I had, in fact, finished the script for that issue and the plot for the third, that Denny discovered his mistake. It was at this point that he telephoned and informed me that he was planning not to honor the contract as far as the plot for #2 was concerned; he was simply going to pretend that he had never ordered it. He further stated that if I sent in the completed script for #2 and the completed plot for #3, he would not honor the contract in those cases either.

Now, we get to the silliness about my "disappearance," the fact that I "apparently vanished" for five days. In his letter, O'Neil says that he was worried; he even goes so far as to suggest that he was afraid I might have done myself in. Gee, Denny, why would you ever think a thing like that? Unless, of course, you figured that I was upset because a certain editor had just withheld a rather large amount of money he owed me. Actually, though -- whereas I kept O'Neil abreast of all my movements back when the Totem project began -- once Denny broke the contract, I felt no compulsion whatsoever to tell him anything. Meanwhile, because he was so worried, Denny spent "a lot of hours" calling people like "Hama, Gerber, Mitchell," people I haven't seen or talked to in three to five years. Brilliant move, Denny.

But brilliance is only half the story. All in all, O'Neil's a peach of a guy, someone who has everyone else's best interests at heart. Or so he would have us believe. According to his letter, for example -- and apparently merely out of kindness - he got the rule that prevented him from paying me for the second issue plot waived and therefore I got the money. That's what he says. Here's what really happened: after five and a half months of continually complaining (via the mail and over the phone) about Denny's failure to abide by DC's own contract and by ultimately even threatening to sue (although actually I didn't have a leg to stand on, seeing as I had no proof; the sorry fact is, since he was, I thought, a friend, I had trusted Denny to the point of allowing him to make orders verbally rather than demanding them in writing), I was finally able to force O'Neil to at least pay for the plot to issue #2. Of course, since the voucher-contract stipulated that DC is obligated to pay for a submission within ten days, O'Neil told me that he had lost the voucher. Furthermore, if I wanted to get paid, I'd have to make out a new voucher.

This, admittedly, is where I blew it. But, being at that point rather desperate for money (even this fairly paltry amount), I went along with this farce, knowing full well that Denny would now content that I had submitted the plot at the same time that I submitted this new voucher. I would like to point out, however, that it does not by any stretch of the imagination take me five and a half months to work up a plot, yet I guess that's what Denny would have people believe; it's probably what he told his higher-ups at DC.

So, okay, Denny, you finally paid a portion of what you owe me. $333.40 to be exact. That's about one fifth of the full amount. And, I guess that's all I'm ever going to see, isn't it? But at least I've learned something here, learned to watch my back around those who will do just about anything rather than admit to and pay for their own mistakes. I thought you were my friend, Denny. You proved you weren't.

Steve Skeates
Alfred, NY

* * *

Dear WAP!,

Jan Strnad's right. A rating system for comics isn't necessary, and it wouldn't work. But Jan still maintains that the film industry's MPAA rating system is nearly harmless. This is a dangerous error. You never know when somebody will get scared and suggest another MPAA-inspired fiasco like DC's a year or two back.

As Steve Bissette's excellent series, The Politics of Cowardice, made plain, the MPAA has been a corrupting force in the film industry since its inception.

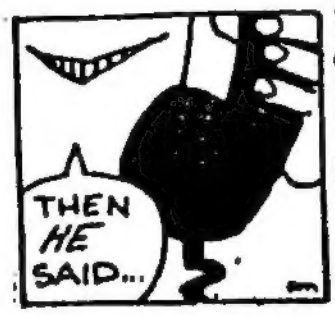
Jan cites a very deceptive statistic about the MPAA: "The board has, in twenty years, rated 8326 films. Of those, 216 of the ratings were appealed. That's 2.6%, meaning that 97.4% of the movie producers got exactly the rating they wanted the first time around."

I'm sure that an even more impressive statistic could be produced about the Comics Code. Certainly film makers get the rating they want. The damage is usually done before the movie is ever submitted to the MPAA.

Here's how the cart leads the stumbling horse. Anything with a "G" rating is considered doomed at the box office. The "X" rating leaves a movie nowhere to go but porn theaters. So producers tend to shoot for a "PG" or an "R". In other words, they change whatever script they produce to get their chosen rating. That's unless the movie's rating is, as so frequently happens, determined before the story is even plotted, handcuffing the talent to MPAA strictures before the first FADE IN is written.

Remarkable work is occasionally done in film, but many, many good ideas are never explored, and many more are castrated by an industry that has, with the MPAA, castrated itself.

Frank Miller
Los Angeles, CA



RUMORS AND INNUENDO

"DEALING FROM THE BOTTOM OF THE DECK" Dept.: Here's an item a reader sent in. "How about the **WRITER/ARTIST** who was asked by that big **UPTOWN** company to come up with a Mature Readers Crossover at the same time the **UPTOWN** bigwigs were announcing their new, liberal contracts in all the trade papers? Led to believe he would get the new deal, replete with its added benefits and creator equity, **WRITER/ARTIST** agreed and created a new character, whose name was to be the title of the proposed crossover. **WRITER/ARTIST** had done a proposal, an outline, and was ten pages into the first script when he was informed that the only way he could secure the new deal, and equity in his own character, was to sign a second contract for a twelve issue series to immediately follow the first! **UPTOWN** explained that **WRITER/ARTIST**'s first series did not fit into certain narrow, secret guidelines by which the new contracts were bestowed. Confused and disgusted, **WRITER/ARTIST** walked." This isn't the only instance of **UPTOWN** pulling the rug out from under their super deal that WAP! has heard. Seems **UPTOWN** was wooing **THAT TRANSATLANTIC TALENT** to work for them, and wanted him to revamp one of their fallow properties. To sweeten the pot, **UPTOWN** told **TRANS** of an upcoming change in policy that would allow him to own his creation. Dream on. What they didn't tell him was that he couldn't own the creation if it had the same name as one of their old properties... but that's what they asked him for when they proposed the deal...

"WHAT GOES AROUND GOES AROUND" Dept.: The story coming from our plans in financial (not comics) circles is that Marvel has been quietly placed on the sales block again. Could Ronald Pearlman have had a quick buck on his mind, after all? And, if this is true, can he convince anyone the company is worth more than the $82.5 mil he paid for it?

"FIVE HEADS ARE BETTER THAN ONE?" Dept.: In case you haven't heard, there have been some changes in the DC editorial structure. Executive Editor Dick Giordano is taking what some have referred to as "semi-retirement," and will only be going into the office two or three days a week from now on. Still, those pesky decisions have to be made. Did they get someone to replace him? No, they got someones! From now on, most editorial decisions will be made by a junta composed of Karen Berger, Mike Gold, Andy Helfer, Mike Carlin, and Denny O'Neil. So what's this got to do with gossip, you ask? The story from several sources is that many at DC feel this is the company's way of announcing they think there's no one person on staff capable of filling Giordano's shoes, and the rumors continue that editorial infighting at DC is now at an all-time high. Some freelancers view the changes stoically. Said one New York wag, "I don't see how this change can make the DC editorial dept. work any worse."

"TWO HEARTS BEAT AS ONE" Dept.: Here's a good one. There's this one-time great **NEWSPAPER STRIP** (just revived by two newcomers) that two small West Coast comics companies, one situated **UP NORTH** and one until recently situated **DOWN SOUTH**, were vying to reprint. The **STRIP'S OWNER** was undecided. Then he got a letter from **SOUTH**'s well-known publisher, implying very strongly that he and **NORTH**'s publisher were the best of friends, and that **NORTH** would be the first to agree that **SOUTH** should be the company to reprint the strip. We don't know if there's any cause and effect here, but last we heard **NORTH** will publish the reprints.

"FILLING IN THE BLANKS" Dept.: You might be wondering why **UPTOWN** put a different letterer on the last issue of that **CULT MINI-SERIES** based on that **CULT 60s SHOW**. If you ask around the **UPTOWN** offices, you'll get one version, but here's what we heard. Seems the book was getting later and later, and finally the company sent **LETTERER** pages to letter. Turns out they were blank pages, without any artwork on them. Accompanying them were all- but-indecipherable breakdowns. **UPTOWN** felt this was enough for **LETTERER** to go on. The kicker was that the pages arrived at **LETTERER**'s home on the same day that **UPTOWN** wanted them back. Upshot? **LETTERER** returned the pages unlettered and bowed out of the project.

"SCREAMER MOUNTAIN HIGH" Dept.: What's with all these stories we hear about David Kraft of Comics Interview Publications negotiating to buy Comics Scene from Starlog Publications? The stories continue that Dave is planning to transform it into critical competition for The Comics Journal. We haven't been able to get in touch with Dave, so we have no idea if it's true or not... but that's the story...

"LOST TREASURE OF THE ANDES" Dept.: Never mind if anyone besides Carl Barks is getting creative credit on stories reprinted by Gladstone. Is anyone getting reprint money? Is Barks?

Mark Evanier:

Ethical Questions - The Solution

I had hoped to start this column with a real knock-down, drag-out hung jury decision. And the dilemma of Waldo seemed like it might possibly yield one. A case, after all, can be made that the commitment to Waldo was a mistake on the order of a typographical error. Clearly, there was a miscommunication in the firm and that should have been addressed internally.

However, the decision of our jury was unanimous... and it was real unanimous because, in this case, I also posted the problem on two computer bulletin boards to seek input and nine other folks chimed in with verdicts, all the same. The consensus was that Waldo should have been paid $75 a page for that job since that was his understanding when he did it. Wrote one of the jurors, summarizing the majority opinion, "The Executive Editor and Editor were both negligent but since the mistake was made through no fault of Waldo's, he should have gotten what he thought he was going to get. The company could lower his rate for the next job to something more in line with their policies, however." On the matter of the "favored nations" status infesting the deals of others, five of our six jurors felt that the company would be justified in refusing to allow this one accidental excess to change what others were paid. "They should go to everyone who would be affected and say, 'This was a mistake. This person's page rate is really not $75 and does not trigger the favored nations clause in your deal.'" Two jurors noted that the company could further substantiate this by setting a real page rate for Waldo and immediately giving him an assignment at that price. The lone dissenting juror on the favored nations issue felt that the company should have to pay everyone with such a clause for one job at $75 a page or that, at the very least, they should do so in the spirit of the contract.

Well, that about wraps up this first installment of Ethical Questions. If you have an opinion, the WAP! letter page anxiously awaits.

Oh, wait. You probably want to know what actually did happen with Waldo... how the company actually did resolve the matter of what he should be paid. They took the position that no actual page rate had been set for him so they should start from scratch. Since it was his first "typical" comics job for him, they sent him the beginner rate of thirty dollars a page. And the Editor who handled the matter has, to this day, never contacted Waldo again.

Now do you see why we need this column?

Back Issues

#1 (April 1988): The Trial of Friendly Frank's, Geppi/Sim Part 1, Marvel's Back-of-Voucher Agreement, the *WAP!* Statement of Intent. Cartoons by Aragones, Bissette, Miller, Siencewicz.....$2.50

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